

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) BENSON, BRYCE A.			2. SSN XXX-XX-7628	3. GRADE OR RANK CDR	4. PAY GRADE O5
5. UNIT OR ORGANIZATION NAVAL DISTRICT WASHINGTON				6. CURRENT SERVICE	
				a. INITIAL DATE 22 May 99	b. TERM INDEFINITE
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED N/A	9. DATE(S) IMPOSED N/A	
a. BASIC 8,771.00	b. SEA/FOREIGN DUTY 0.00	c. TOTAL 8,771.00			

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION:

~~Specification 1 (Dereliction in the performance of duties through neglect resulting in death):~~ In that Commander Bryce A. Benson, U.S. Navy, Naval District Washington, Washington, District of Columbia, on active duty, who knew and should have known of his duties as Commanding Officer while aboard USS FITZGERALD (DDG 62), at sea and at or near Yokosuka, Japan, on or about 16 June 2017, was derelict in the performance of those duties in that he negligently failed to ensure the safe navigation of the said vessel, as it was his duty to do so as Commanding Officer to provide proper oversight of the ship's watch in high traffic navigation conditions; approve a proper watchbill; revise standing orders to account for degraded equipment; and that such dereliction of duty resulted in the death of Gunner's Mate Scaman D.K.R., U.S. Navy; Yeoman Third Class Petty Officer S.A.D., U.S. Navy, Fire Controlman Second Class Petty Officer C.V.S., U.S. Navy, Personnel Specialist First Class Petty Officer X.A.M., U.S. Navy, Sonar Technician Surface Third Class Petty Officer N.T.H., U.S. Navy, Gunner's Mate Second Class Petty Officer N.H., U.S. Navy, and Fire Controlman First Class Petty Officer G.L.R., U.S. Navy.

~~Specification 2 (Dereliction in the performance of duties through neglect):~~ In that Commander Bryce A. Benson, U.S. Navy, Naval District Washington, Washington, District of Columbia, on active duty, who knew and should have known of his duties as Commanding Officer while aboard USS FITZGERALD (DDG 62), at sea and at or near Yokosuka, Japan, from November 2015 to about June 2017, was derelict in the performance of those duties in that he negligently failed to inspect the conduct of members under his command, and as his duty to do so as Commanding Officer and Executive Officer to not foster a climate of complacency and to assure proper standing practices are executed.

*** SEE CONTINUATION SHEET ***

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) GUTIERREZ, GIANNINA	b. GRADE E-7	c. ORGANIZATION OF ACCUSER NAVAL LEGAL SERVICE COMMAND
d. SIGNATURE OF ACCUSER 		e. DATE (YYYYMMDD) 20180115

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 15 day of JANUARY, 2018, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

MICHAEL J LUKEN

Typed Name of Officer

CAPT/O-6

Grade

CONSOLIDATED DISPOSITION AUTHORITY

Organization of Officer

JUDGE ADVOCATE

Official Capacity to Administer Oath
(See R.C.M. 307(b), must be commissioned officer)
Signature

DD FORM 458 CONTINUATION SHEET
CDR BRYCE A. BENSON, USN XXX-XX-7628

Charge II – Violation of the UCMJ, Article 110

~~Specification 1 (Improper hazarding of vessel – negligence): In that Commander Bryce A. Benson, U.S. Navy, Naval District Washington, Washington, District of Columbia, on active duty, on or about 17 June 2017, while serving in command of USS FITZGERALD (DDG 62), operating near Sagami Wan, Honshu Japan, did negligently hazard the said vessel by failing and neglecting to ensure the safe navigation of the said vessel using proper watchstanding measures, as a result of which neglect the said USS FITZGERALD (DDG 62), at or about 0130 hours on the day aforesaid, collided with ACX CRYSTAL, with resultant damage to both vessels.~~

~~Specification 2 (Improper hazarding of vessel – negligence): In that Commander Bryce A. Benson, U.S. Navy, Naval District Washington, Washington, District of Columbia, on active duty, from about November 2015 to about June 2017, while serving in command of the USS FITZGERALD (DDG 62), did negligently hazard the said vessel by failing and neglecting to inspect the conduct of members under his command resulting in a complacent crew, as a result of which neglect the said USS FITZGERALD (DDG 62), at or about 0130 hours on or about 17 June 2017, collided with ACX CRYSTAL, with resultant damage to both vessels.~~

~~Charge III – Violation of the UCMJ, Article 134~~

~~Specification (Homicide, negligent): In that Commander Bryce A. Benson, U.S. Navy, Naval District Washington, Washington, District of Columbia, on active duty, did, on board USS FITZGERALD (DDG 62), on or about 17 June 2017, unlawfully cause the death of Gunner's Mate Seaman D.R.F., U.S. Navy; Yeoman Third Class Petty Officer S.A.D., U.S. Navy, Fire Controlman Second Class Petty Officer C.V.S., U.S. Navy, Personnel Specialist First Class Petty Officer X.A.M., U.S. Navy, Sonar Technician Surface Third Class Petty Officer N.T.H., U.S. Navy, Gunner's Mate Second Class Petty Officer N.H., U.S. Navy, and Fire Controlman First Class Petty Officer G.L.R., U.S. Navy, in that he negligently failed to ensure the safe navigation of the said ship in high traffic conditions, as a result of which the said USS FITZGERALD collided with ACX CRYSTAL, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.~~

12. On 16 January, 2018, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

MICHAEL J. LUKEN
Typed Name of Immediate Commander

CAPT, JAGC USN
Grade

[Signature]
Signature

CONSOLIDATED DISPOSITION AUTHORITY
Organization of Immediate Commander
Legal Advisor

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1745 hours, 17 JANUARY, 2018 at OFFICE OF NAVAL REACTORS, WASHINGTON NAVY YARD, DC
Designation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

J. F. CALDWELL, JR.
Typed Name of Officer

ADMIRAL
Grade

[Signature]
Signature

CONSOLIDATED DISPOSITION AUTHORITY
Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY Commander, Military Personnel Detachment, Office of Naval Reactors, Department of Energy	b. PLACE Navy Yard, Washington D.C.	c. DATE (YYYYMMDD) 20180617
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Referred for trial to the General court-martial convened by General Court-Martial Order 1-18

18 June, 2018, subject to the following instructions: ²

NONE

By [Signature] of [Signature]
Command or Order

J. F. CALDWELL, JR.
Typed Name of Officer

ADMIRAL
Grade

[Signature]
Signature

COMMANDER
Official Capacity of Officer Signing

15. On 18 JUNE, 2018, I (caused to be) served a copy hereof on (each of) the above named accused.

KATHERINE SHOVLIN
Typed Name of Trial Counsel

LCDR, JAGC, USN
Grade or Rank of Trial Counsel

[Signature]
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.